EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

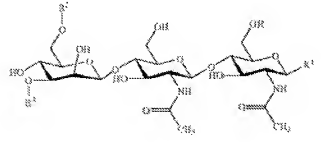
Authorization for this examiner's amendment was given in a telephone interview with Alice Bonnen on 14 May 2010.

The application has been amended as follows:

Amendment to the Claims

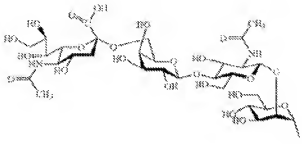
- Claim 4 is amended as follows:

4. (Currently Amended) A glycopeptide comprising an aminated complex-type oligosaccharide of the formula (1)

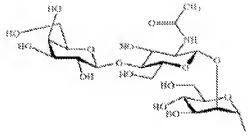


(1)

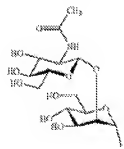
wherein R^1 is -NH-(CO)-CH_2X, X being a halogen atom, R^2 and R^3 are a hydrogen atom or a group of the formulae (2) to (5) and may be the same or different, except that R^2 and R^3 are not both hydrogen or the formula (5) at the same time and when [[on]]one of R2 and R3 is hydrogen, the other is not the formula (5),



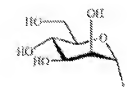
(2)



(3)



(4)



(5)

and the aminated complex-type oligosaccharide is bound to a thiol group of a peptide by displacement of halogen X of NH-(CO)-CH_2X, further wherein the glycopeptide has about 12 times higher resistance to Peptide-N Glycosidase F (PNGase F) than ~~a glycopeptide comprising an asparagine-linked oligosaccharide~~the

glycopeptide comprising said aminated complex-type oligosaccharide of formula (1), wherein R1 is an asparagine~~, and the aminated complex-type oligosaccharide binds to a thiol group of a peptide by displacement of halogen X of NH-(CO)-CH_2X~~.

DETAILED ACTION

This Office Action is responsive to Applicant's Amendment and Remarks, filed 19 Apr 2010, in which claim 8 is canceled.

The proposed amendments AFTER FINAL, filed 19 Apr 2010, will be entered because are limited to canceling claim 8.

This application is the national stage entry of PCT/JP04/11036, filed 27 Jul 2004; and claims benefit of foreign priority document JAPAN 2003-202594, filed 28 Jul 2003. At present an English language translation of this foreign priority document is not of record.

Claims 4, 6 and 7 are pending in the current application and are allowed in view of the Examiner's Amendment detailed herein.

The following is an examiner's statement of reasons for allowance:

Rejections Withdrawn

Applicant's Amendment, filed 19 Apr 2010, with respect to claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rademacher et al. (US Patent 5,280,113, issued 18 Jan 1994, of record) in view of Wong et al. (Biochem J., 1994, 300, p843-850, provided by Applicant in IDS filed 06 Jul 2006) and further in view of Lee et al. (US Patent 5,807,943, issued 15 Sep 1998, cited in PTO-892), and further in view

of Wright et al. (Trends in Biotechnology, 1997, 15, p26-32, of record) has been fully considered and is persuasive, as claim 8 is canceled.

This rejection has been **withdrawn**.

The closest prior art is Rademacher et al. (US Patent 5,280,113, issued 18 Jan 1994, of record) in view of Wong et al. (Biochem J., 1994, 300, p843-850, provided by Applicant in IDS filed 06 Jul 2006).

Applicant's remarks, filed 23 Nov 2009, are persuasive that Rademacher et al. in view of Wong et al. does provide guidance to one of ordinary skill in the art to conclude that higher resistance to PNGase F is a necessarily present or inherent characteristic of the glycopeptides taught by Rademacher et al. in view of Wong et al. and that Rademacher et al. in view of Wong et al. does not provide guidance for selecting the genus of glycopeptides that has about 12 times higher resistance to PNGase F. Therefore the prior art does not teach or fairly suggest the instant invention as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Claims 4, 6 and 7 are in condition for allowance in view of the Examiner's Amendment detailed herein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan S. Lau whose telephone number is 571-270-3531. The examiner can normally be reached on Monday - Thursday, 9 am - 4 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia Anna Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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